

Response to Election/Restriction Requirement and Remarks

This paper is filed in response to the paper dated September 7, 2004. New dependent claim 29 has been added. Claims 1, 5, 7, 9-15, 17-18 and 24-26 were previously canceled without prejudice. Claims 2-4, 6, 8, 16, 19-23 and 27-29 are currently pending. Reexamination and reconsideration are respectfully requested.

Applicant respectfully traverses the restriction requirement.

Applicant does not understand the Examiner's decision to require a second election/restriction in this application. Applicant previously responded to an election/restriction requirement for this application. Moreover, the Examiner has restricted claims that were previously examined without restriction.

MPEP section 803 states "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicant submits that the Examiner has not established that it would be an undue burden for the Examiner to examine all of the pending claims. Furthermore, applicant submits that the Examiner does not appear to have followed the guidelines set forth in the MPEP to provide support for the election/restriction requirement of the claims.

In view of at least the above comments, applicant respectfully requests that the election/restriction requirement be withdrawn.

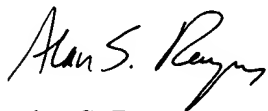
Applicant also does not concede that the Examiner's characterization of the claims in the description of the species is correct.

If the election/restriction requirement is not withdrawn, then applicant elects species 1, claims 2-4, 6, 8 and 16. Applicant also notes that new claim 29 depends from claim 16 and it is believed that new claim 29 reads upon species 1. It is believed that no new matter has been added. Support for claim 29 may be found in the specification, for example, at page 21, lines 19-23.

Applicant respectfully submits that the claims are in allowable form for at least the reasons set forth in applicant's previous amendment (mailed on June 18, 2004). Should the Examiner wish to discuss the election/restriction requirement or any other aspect of this case

further, the Examiner is requested to call the undersigned at the telephone number listed below to either discuss the case over the telephone or to schedule a personal interview.

Respectfully submitted,



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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 7, 2004.


Alan S. Raynes

Oct. 7, 2004
(Date)